

ATLANTIC SKANSKA, INC.,  
Plaintiff,  
v.  
CITY OF CHARLOTTE, NORTH CAROLINA  
and CH2M HILL, INC.,  
Defendants.

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ATLANTIC SKANSKA, INC.,  
Third Party Plaintiff,  
v.  
ENVIRONMENTAL DYNAMICS, INC.  
and AUGUSTA FIBERGLASS  
COATINGS, INC.,  
Third Party Defendants.

THIS MATTER is before the Court on Third-Party Defendant Augusta Fiberglass Coating, Inc.'s ("Augusta Fiberglass") Motion to Compel Discovery from Plaintiff Atlantic Skanska, Inc. ("Atlantic Skanska"). Pursuant to this Court's January 15, 2008 revised Case Management Order, discovery was to be completed by July 21, 2008. On May 20, 2008, Augusta Fiberglass propounded its First Request for Production of Documents ("Discovery

Requests”) to Atlantic Skanska. Pursuant to Rules 33(b)(3) and 34(b) of the Federal Rules of Civil Procedure, Plaintiff was to respond to the Discovery Requests by June 19, 2008.

Prior to the deadline for responding to the Discovery Requests, counsel for Augusta Fiberglass and Atlantic Skanska agreed to an extension of the deadline to respond until July 7, 2008. Atlantic Skanska did not respond by that date, as the parties filed a stipulated motion for modification to the Court’s revised case management order, which motion was denied. Augusta Fiberglass filed its Motion to Compel Discovery on August 20, 2008. Atlantic Skanska has now agreed to serve its responses by September 19, 2008, and has agreed to the entry of this Consent Order.

It is hereby ORDERED that Plaintiff Atlantic Skanska will respond to Third-Party Defendant Augusta Fiberglass’ Discovery Requests by September 19, 2008. If Plaintiff fails to timely respond by that date, then Augusta Fiberglass may apply to the Court for sanctions in accordance with the Federal Rules of Civil Procedure.

**SO ORDERED.**

Signed: September 8, 2008

*Carl Horn, III*

Carl Horn, III  
United States Magistrate Judge



**CONSENTED TO BY:**

s/Robert M. Bisanar

Robert M. Bisanar

NC Bar No. 6512

Attorney for Third Party Defendant

*Augusta Fiberglass Coatings, Inc.*

OGLETREE, DEAKINS, NASH,

SMOAK & STEWART, P.C.

201 South College Street, Suite 2300

Charlotte, NC 28244

Telephone: 704.342.2588

Facsimile: 704.342.4379

E-mail: [bob.bisanar@ogletreedeakins.com](mailto:bob.bisanar@ogletreedeakins.com)

/s/ A. Holt Gwyn

Allen Holt Gwyn

NC Bar No. 7140

Attorney for Plaintiff

*Atlantic Skanska, Inc.*

CONNER GWYN SCHENCK PLLC

P.O. Box 20744

Greensboro, NC 27420

Phone: 336-691-9222 (Ext. 111)

Fax: 336-691-9259

E-mail: [ahgwyn@cgspllc.com](mailto:ahgwyn@cgspllc.com)